



TOWN OF TYNGSBOROUGH

Office of the Board of Selectmen

Town Offices

25 Bryants Lane

Tyngsborough, MA 01879

Tel: (978) 649-2300 Ext. 100 | Fax: (978) 649-2320

Board of Selectmen Meeting Minutes

APPROVED

Monday, October 7, 2013 at 6:00 P.M.

Community Room, Town Offices, 25 Bryants Lane

Members Present: Selectman Rick Reault, Selectwoman Karyn Puleo, Selectman Robert Jackson, Selectman Corliss Lambert.

Member Absent: Allen Curseaden

Staff Present: Town Administrator Michael Gilleberto and Highway Department Admin Assistant Susan Silvia

Staff Absent: Asst Town Administrator Nina Nazarian and Admin Assistant Therese Gay

The listing of matters are those reasonable anticipated by the Chairman which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law. "Chairman Puleo read the following: "The following meeting is being recorded and broadcast through our local cable access channels on Comcast and Verizon FIOS. A recording of this meeting will also be available for viewing on our town's website - tyngsboroughma dot gov. Also, after instruction from the State Fire Marshall and the Tyngsborough Fire Chief, in the event of an emergency, there is an exit to my left and directly across from me, along the back wall."

1. 6:00 PM Open Meeting/Pledge of Allegiance/Board Introduction/Read Agenda

The Chairman opened the meeting at 6:15PM followed by the Pledge of Allegiance; the introduction of the Board and the reading of the Agenda by Selectman Reault.

2. Joint Meeting with Board of Health and Recycling Subcommittee

A. Solid Waste Contract – discuss/approve - discussion

The Board of Health members Sheila Perrault, Kerri Oun, Steve Berthiaume, Christopher Mellen, Tracie Looney, and the Recycling Subcommittee members, Diana Koehane and Joe Degardio, voted to enter into open session and join the Board of Selectmen in the discussions of the Solid Waste Contract and Solid Waste Rules. The Board welcomed and invited Mr. Terry Brady of Republic Industries/Covanta to join the discussion and answer questions pertaining to the Solid Waste Contract. Republic's original proposal for automated recycling was \$578,000 per year. The Town received a due diligence quote from another firm of \$594,000 annually. Republic then reduced their proposal to \$566,000 annually. After additional negotiation, Republic reduced the cost to \$531,000 and then after further discussion, added service to 100 additional second recycle totes for an annual cost of \$534,500 plus \$80 per year per additional recycle toter beyond the 100. Republic has reviewed their proposal as a result of the discussion that occurred at the meeting of September 16th. As a result of that discussion, Republic has informed the Town that it will reduce the per-toter cost for servicing additional recycling totes above and beyond the 100 additional totes included in their proposal from \$80.00 to \$50.00 per toter per year. Republic has also informed the Town that it is unable to develop a way to charge the Town on a per-collection basis for the collection of "second" recycling totes. Republic has also forwarded information relative to other communities as was requested at the Board's last meeting.

Pursuant to the available data, it is unlikely that the Town will exceed the 100 additional recycling totes, however if it does, the additional cost to the resident will be only the cost to buy the toter (as

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it would be for the first 100 residents). In terms of the impact to the Town, while there will still be a cost to service the totter, that cost may very well be outweighed by the savings associated by diverting solid waste out of the trash totters. Based on the information above, the Town Administrator strongly encouraged the Boards to look favorably upon this proposal as a means to modernize our recycling collection program at a reasonable price. Additionally, there are modifications to be made to the existing contract for solid waste proposal with Covanta. Those modifications extend the agreement through 2018 and adjust the tipping fee schedule as follows:

1. January 1, 2013 through December 31, 2013	\$71.00
2. January 1, 2014 through June 30, 2014	\$65.00
3. July 1, 2014 through June 30, 2015	\$68.00
4. July 1, 2015 through June 30, 2016	\$69.00
5. July 1, 2016 through June 30, 2017	\$70.00
6. July 1, 2017 through June 30, 2018	\$70.00

The modifications also state that the Town will commit to delivering organic matter to Republic Industries/Covanta in the event that we were to conduct a special collection of such items. The Board of Selectmen voted 4-0-0 on a motion by Selectman Reault and seconded by Selectman Lambert to approve a five year agreement with Republic Services formerly known as Allied for solid waste collection beginning July 1, 2013 and ending June 30, 2018 at a base cost of \$534,500, which includes gasoline, at the price of \$3.93 per gallon. The Board of Health, with a motion by Tracie Looney, seconded by Steve Berthiune voted 4-0-0 to accept the five year agreement with Republic Services for solid waste collection as noted above.

Board of Selectmen voted 4-0-0 on a motion by Selectman Reault and seconded by Selectman Lambert to approve a five year agreement with Covanta for solid waste disposal beginning July 1, 2013 and ending June 30, 2018. The Board of Health, with a motion by Tracie Looney, seconded by Steve Berthiune voted 4-0-0 to accept the five year agreement with Covanta for solid waste collection as noted above.

B. Solid waste rules/regulations – discuss/amend – after much discussion including the impact on recycle and dumping rates regarding the possible increase in recycling the Board of Selectmen voted 4-0-0 on a motion by Selectman Reault, seconded by Selectman Lambert and the Board of Health voted 4-0-0 on a motion by Steven Berthiune and seconded by Sheila Perrault to accept the Recycling Regulations as follows: Require recycling totter covers to be closed to be picked up as of implementation date of totters program. Overflowing recycle totters will be picked up.

The Board of Selectman voted 4-0-0 on a motion by Selectman Jackson, second by Selectman Reault to rescind the requirement of the recycling totters to be curbside during recycling weeks in order for trash to be collected.

The Board of Health voted 4-0-0 on a motion by Member Looney, second by Member Berthiune to rescind the requirement of the recycling totters to be curbside during recycling weeks in order for trash to be collected.

The Board of Selectman voted 4-0-0 on a motion by Selectman Jackson, second by Selectman Reault to implement a Recycle Buy Back Program. This program would be used when a resident

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purchases an additional recycle toter and no longer needs/wants it. The town would "buy back" the toter to be sold to another resident.

The Board of Health voted 4-0-0 on a motion by Member Looney, second by Member Berthiune to implement a Recycle Buy Back Program. This program would be used when a resident purchases an additional recycle toter and no longer needs/wants it. The town would "buy back" the toter to be sold to another resident.

A motion to adjourn the Board of Health meeting was made by Tracie Looney and second by Sheila Perrault, the Board adjourned at 7:00 P.M.

A motion by Recycling Member Koehane, second by Member Mullen to adjourn the Recycling Sub-Committee meeting at 7:00 P.M.

3. Meeting Minutes

A. Regular Session Meeting Minutes for Approval

1. Monday, September 9, 2013

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Lambert to approve the Minutes of Monday September 9, 2013.

4. Citizen/Business Time - No one came forward this evening.

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes

5. New Business

A. Old Town Hall Historic Renovation Contract – Approve Amendment

The Old Town Hall Historic Renovation Committee submitted a request and recommendation for an amendment to the Old Town Hall construction contact with Meadows construction to extend the contract and construction end date to December 31, 2013. Meadows Construction, Co., LLC has made this request because of unanticipated delays which resulted in lost construction time. A list of the specific delays was provided and had been revised by the Owner's Project Manager, Architect and the Town Administrator who all recommend the contract term be extended. A motion was made by Selectman Reault, second by Selectman Lambert to approve the extension of the contract. A vote of 4-0-0 was taken to extend the Old Town Hall Historic Renovation contract to December 31, 2013.

B. Dog complaint – set hearing date

Town counsel indicates a town by-law states a hearing meeting requires a two week notice. A hearing date was set for November 4, 2013. The animal in question is under a voluntary quarantine until that time. The Board voted 4-0-0 on a motion by Selectman Jackson, second by Selectman Lambert to approve the hearing date for the dog complaint to November 4, 2013.

6. Old Business

A. Town Buildings Master Plan – authorize agreement

The Town Administrator and Assistant Town Administrator have conducted a review of all responses to the Request for Qualifications solicited by the Town. After a review of each

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respondent's proposal, Drummey Rosane Anderson, Inc. (DRA) was identified as the most qualified respondent. We have met with DRA and have discussed the project and the Town's needs. DRA presented and discussed examples of similar projects completed in other communities. This meeting afforded the Town the opportunity to confirm that DRA is qualified and competent in completing a master plan of this magnitude. In addition to meeting with DRA, we contacted a community where DRA has nearly completed a similar project. The community highly recommended DRA, noting that they would definitely work with DRA again. DRA has provided a cost proposal of \$48,000 which is within the Town's appropriation. As a result, the Town Administrator would like to begin working with Town Counsel and DRA to draft and execute an agreement relative to the project. The board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Jackson to authorize the Town Administrator to develop with Town Counsel, and execute, an agreement with Drummey Rosane Anderson, Inc. (DRA) for a Town Buildings Master Plan.

B. Town Offices hours – discussion

The discussion on Town office hours was moved forward to the next Board of Selectman meeting on Monday, October 21, 2013.

C. Free Cash Policy Subcommittee – receive final report

Selectwoman Puleo provided a review and presentation of the Free Cash Policy Subcommittee Final Report. The Committee was made up of the following members: Karyn Puleo on behalf of the Board of Selectmen, Robert Mullin on behalf of the Finance Committee, and Herbert Desrosiers on behalf of the School Committee. Over the past five years, the Town has utilized Free Cash to sustain the annual operating budget (see attachment #1). Given the fluctuation in the amount of available Free Cash from year-to-year, the Committee believes that the use of Free Cash should be prioritized towards funding expenses other than the operating budget. Additionally, the Committee reviewed the status of the following funds: stabilization, capital asset stabilization, Other Post-Employment Benefits, and sick/vacation buyback. Maintaining a healthy balance within these funds is critical because they provide a reserve to offset deficiencies in the annual operating budget, fund unanticipated capital needs, and fund short- and long-term employee benefit obligations. The balances in these funds were provided in the report.

The Subcommittee made recommends, after the appropriation of Free Cash to reimburse the School Department for annual Medicaid expenses, Free Cash be allocated to the following funds within the following percentage ranges:

Fund	Purpose	Desired amount or liability	Recommended Funding as percent of Free Cash (after Medicaid)
Stabilization	Sustain operations during the worst budget years; "rainy day" fund	5%-15%	7.5% - 20%
Capital Asset	Make capital purchases or offset	\$200,000	7.5% - 20%

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Stabilization	debt for capital purchases	annually	
Other Post-Employment Benefits	Pay for long-term retiree health insurance	\$17 million liability	3% - 15%
Sick/vacation buyback	End-of-employment obligations per statute or contract	\$294,000	3% - 15%

A detailed chart with examples was provided. The Subcommittee believes that by allocating funds to the four identified categories, the Town will both reduce its reliance on Free Cash to fund operations and begin to more aggressively build up important reserve / liability funds, resulting in improved financial health in the long-term. This plan was approved by the Free Cash Policy Subcommittee on October 2, 2013 and will require acceptance by the Board of Selectman, School Committee and Finance Committee. The board voted 4-0-0 on a motion by Selectman Jackson, second by Selectman Lambert to accept the Free Cash Policy Subcommittee final report.

7. Citizen/Business Time - No one came forward this evening.

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8. Correspondence

A list of correspondence will be included with approved meeting minutes per the requirements of the Massachusetts Open Meeting Law. Copies of correspondence may be requested from the Office of the Board of Selectmen.

B. Informational

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Lambert to accept the correspondence in the packet and the information received on October 7, 2013. Two pieces of correspondence to note arrived anonymously, one related to trash pickup and other related to the roadway reconstruction of Independence Drive, Ridge Road and Trinity Drive. A request had been submitted to the town for a United Nations Day Proclamation, the Town Administrator indicated no action would be taken on the request.

9. Review of Weekly Warrants

The Weekly Warrants read this week are as follows: Warrant #14B for \$815,352.65 on 9/30/2013.

10. Town Administrator's Report

- Response to Selectmen's Requests
 - The Administrator provided information recently received in response to the Board's expressed desire to follow up on an offer to purchase land along the Merrimack River. It was agreed by the Board a site visit was warranted by members of the Board, the Administrator will schedule the site visit.
- Budget Status
 - The Administrator provided FY 2013 final and FY 2014 expenditure-to-date reports.

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- Departmental Information
 - The Administrator shared a notice of Finance Coordinator/Town Treasurer Kerry Colburn-Dion's receipt of Treasurer Certification. Congratulation was made to Ms. Colburn-Dion for passing the test on her first try.
 - The Administrator advised the Board that our FY 2013 audit continues, and the FY 2013 Worker's Compensation audit is scheduled for this month.
- The Administrator has received a request of the Director of the Council on Aging to establish a Facebook page. The Media Director said he will work with COA Director to establish this medium of communication, with the intention that it be a one-way communication device.
- The Board of Health and the Board of Library Trustees are pleased to present a pilot program where the Library will be selling \$5.00 trash overflow stickers beginning October 7th. Trash overflow stickers will be available in the Library during hours when the Board of Health Office is not selling stickers. Board of Health sticker hours are Monday through Wednesday 8:30AM-3:00PM. Bulky item stickers will not be sold at the Library and will continue to be sold at the Board of Health Office during their sticker sales hours listed above.
 - For the pilot program's extended Trash Overflow Stickers hours, the Library's sale hours beginning Monday, October 7th are as follows: Monday and Wednesday: 3:00 PM - 8:00 PM; Tuesday 3:00PM - 5:00 PM; Thursday: 9:00AM-5:00PM; and Saturday: 9:00 AM-2:00PM
- Contracting/Procurement
 - The Town has received responses for the disposal of surplus supplies at the Winslow School, and will be awarding a contract in the amount of \$2,000 for the disposal. Funding will come from the Public Building and Properties account. The board approved of awarding a contract in the amount of \$2,000 by a vote of 4-0-0 motioned by Selectman Lambert, second by Selectman Jackson, for the disposal of surplus supplies at the Winslow School.
- Other
 - The Administrator provided a copy of his response to a resident's recent inquiry.
 - The Administrator provided a copy of recent correspondence with Assistant Town Administrator and Town Counsel regarding Descheneaux Lane.
- The Administrator updated the Board on the intersections of Coburn and Lakeview Avenues and Westford and Dunstable Roads (Flint's Corner). The town has received Chapter 90 authorization for funding for the Engineering Review of these intersections. The contract for the work on the Coburn and Lakeview Avenue will be signed and the work on the intersections will be concurrent as the same vendor is providing work on both projects.

11. Selectmen's Reports

Selectman Jackson requested the following agenda items be added to an upcoming Board of Selectmen's meeting – Road Acceptance Status and Report and the abandoned buildings in town. Chairman Puleo requested an update on the Capital Asset Management Committee and clarification as to whom she should follow up with on the Committee, as well as requesting a status update on the Lights on the Tyngsborough Bridge and Chronopoulos Way and the status update on Indian Lane. She also mentioned FinCom will soon be sending out 3 year Budget Requests to Department Heads. The budgets are expected to be level funded, increases only where

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contractually obligations require, such as step increases. The budgeting process will be a collaborative effort between the Town Treasurers office, Department heads and the Board of Selectman. Chairman Puleo also indicated monthly meetings between herself and the School Committee Chair will commence in the near future. Selectman Reault discussed the NMCOG's 50 year anniversary meeting to be held next week at the Westford Regency, several board members and the Town Administrator confirmed their expected attendance.

12. Executive Session

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Jackson to enter into Executive Session to discuss the following :

- A. Exemption Three – To discuss strategy with respect to collective bargaining and litigation because an open meeting may have a detrimental effect on the bargaining and litigation position of the Board, and the Chair so declares –Clerical Union; Mid-Managers Union; Police Union

Exemption Six – To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body

to exit executive session to adjourn. Roll Call Vote: Selectman Rick Reault, yes; Selectwoman Karyn Puleo, yes; Selectman Robert Jackson, yes; Selectman Corliss Lambert, yes. The Board entered Executive Session at 7:46 PM.

13. Adjournment

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Lambert to adjourn the meeting at 10:46 PM.

Respectfully submitted

Susan Silvia
Admin Assistant

Approved on: Monday November 4, 2013

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1. 6:00 PM Open Meeting/Pledge of Allegiance/Board Introduction/Read Agenda

2. Joint Meeting with Board of Health and Recycling Subcommittee

- A. Solid waste contract – discuss / approve
- B. Solid waste rules/regulations – discuss/amend

3. Meeting Minutes

- A. Regular Session Meeting Minutes for Approval
 - 1. Monday, September 9, 2013

4. Citizen/Business Time

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5. New Business

- A. Old Town Hall Historic Renovation Contract – Approve Amendment
- B. Dog complaint – set hearing date

6. Old Business

- A. Town Buildings Master Plan – authorize agreement
- B. Town Offices hours – discussion
- C. Free Cash Policy Subcommittee – receive final report

7. Citizen/Business Time

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9. Review of Weekly Warrants

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10. Town Administrator's Report

- Response to Selectmen's Requests
- Budget
- Departmental Information
- Contracting/Procurement
- Other

11. Selectmen's Reports

12. Executive Session

- A. Exemption Three – To discuss strategy with respect to collective bargaining and litigation because an open meeting may have a detrimental effect on the bargaining and litigation position of the Board, and the Chair so declares –Clerical Union; Mid-Managers Union; Police Union
- B. Exemption Six – To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body

13. Adjournment

Future Meetings

Monday, October 21st, 2013 at 6:00 PM at Tyngsborough Town Offices, 25 Bryants Lane

Monday, November 4th, 2013 at 6:00 PM at Tyngsborough Town Offices, 25 Bryants Lane

